

REMARKS

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Rejection of Claims of Art Grounds in the 2 March 2006 Office Action, and

Traversal Thereof

In the 2 March 2006 Office Action, claims 1-61 have been rejected based upon a combination of 102 and 103 rejections. These rejections of the claims 1-61 on the grounds of prior art are hereby traversed, and consideration of the patentability of the pending claims is requested in light of the ensuing remarks.

Arguments for Patentability

It is asserted that the blood purification system as set forth in the pending claims are not taught or disclosed in the referenced cited by the Examiner. Specifically, the Goodrich reference (USPN 6258577) is cited as a 102 reference, but then, "if necessary, in view of "Electromagnetic Spectrum" Internet printout." The Applicant asserts that the examiner is improperly making a 102 rejection if he is also relying on combining references, which would be proper under 103 rejection only. In the case of the 102 rejection, Goodrich fails to disclose or describe the ultraviolet range set forth in the "Electromagnetic Spectrum" Internet printout. Additionally, Goodrich fails to expressly describe a "UV dose zone for effectively the effective sterilization of microorganisms in the blood" as expressly claimed in the presently amended independent claims, namely 1, 39, and 61. The Examiner is using hindsight following the review of the instant application to surmise that the "unlabeled inner volume within the housing 164" of Goodrich is anything but an unlabeled inner volume. Thus, the 102 rejection is improper for failing to disclose all the aspects of the claimed invention in the independent claims currently pending.

As a 103 rejection, Goodrich fails to describe the UV dose zone for the effective sterilization of microorganisms in the blood, and it is nowhere taught or disclosed in the other cited references, therefore no combination effectively produces the affirmatively claimed invention as set forth in the now amended independent claims. In the present invention, the UV dose zone is described in the specification as providing a zone wherein the effective sterilization of microorganisms occur, and that it may further include a dose delivery device. As such, it is improper to consider that merely the unlabeled interior of the housing of Goodrich is the same or similar to the UV dose zone of the present invention; once again, there is no suggestion of a dose zone within Goodrich or any of the prior art references cited by the examiner – the examiner cannot use the present invention against itself in hindsight where the cited references are completely silent as to an affirmatively claimed element of the present invention. Additionally, the prior art does not provide for reflective surfaces and/or other optical components as claimed and described by the present invention for creating the effective dosage zone for the sterilization of microorganisms in the blood.

Thus, the prior art fails to provide a UV system and method for blood sterilization that expressly or implicitly provides a UV dose zone for the effective sterilization of microorganisms in the blood, with UV wavelengths specified in the independent claim 1, 39, and 61.

Claims 1-61 are asserted to be in patentable condition. Allowance of these claims is hereby respectfully requested. In the event that the Examiner finds additional minor modifications that would place these claims in allowable condition, the Examiner is respectfully requested to make telephonic contact with the applicant to discuss and make

changes via Examiner's Amendment to place the claims in condition for allowance.

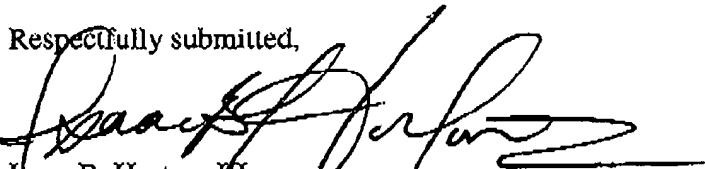
Favorable action is therefore requested.

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CONCLUSION

In view of the foregoing, the claims 1-61, constituting the claims pending in the application, are submitted to be patentably distinguished over the art and in allowable condition. If any issues remain outstanding, incident to the allowance of the application, the Examiner is respectfully requested to contact the undersigned applicant to discuss the resolution of such issues, in order that prosecution of the application may be concluded favorably to the applicant, consistent with the applicant's making of a substantial advance in the art. The pending claims 1-61 and arguments supporting patentability is being submitted via fax along with required forms and fees, and request for extension of time for response.

Respectfully submitted,


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Applicant and Inventor